

IN THE SUPREME COURT OF THE UNITED STATES

UNITED STATES DEPARTMENT OF THE TREASURY  
(Petitioner)

vs.

SEIZED FEDERAL SECURITIES  
(Respondent)

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ON WRIT OF CERTIORARI TO THE  
11th CIRCUIT COURT OF APPEALS

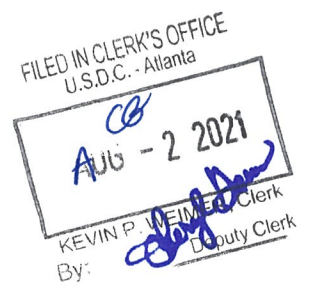
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PETITION FOR CERTIORARI  
Supreme Court Rule 11

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Counsel for Petitioner

UNITED STATES DEPARTMENT OF JUSTICE  
/s/ Attorney General Merrick Garland  
28 U.S.C. § 516-517  
Solicitor General Elizabeth Prelogar  
28 U.S.C. § 516-518  
950 Pennsylvania Ave NW  
Washington, DC 20530



i. TABLE OF CONTENTS

- ii. QUESTIONS PRESENTED FOR REVIEW
- iii. JURISDICTIONAL STATEMENT
- iv. TABLE of AUTHORITIES
- v. CONSTITUTION, STATUTES, and RULES
- vi. INTRODUCTION
- vii. STATEMENT OF CASE
- viii. CONCLUSION
- ix. APPENDIX

ii. QUESTIONS PRESENTED FOR REVIEW

I. When the United States or any of its agencies is a party to an action in the lower court is the conduct of litigation and securing evidence reserved for the Department of Justice under the direction of the United States Attorney General? YES  
(See 28 U.S.C. § 516 and 517)

II. Under Article III of the United States Constitution, does the jurisdiction of this Court entitle the parties of record from the lower court to petition this Court for Writ of Certiorari for review of the lower court case before rendition of final judgment? YES (See 28 U.S.C. § 1254, 28 U.S.C. § 2101(e), S. Ct.R.11 and 12.6)

iii. JURISDICTIONAL STATEMENT

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254 and 28 U.S.C. 2101(e).

iv. TABLE OF AUTHORITIES

Case: United States v. Howard, 545 F.2d 1044 (6th Cir. 1976)

v. CONSTITUTION, STATUTES, and RULES

U.S. Const. Art III  
28 U.S.C. § 516  
28 U.S.C. § 517  
28 U.S.C. § 518  
28 U.S.C. § 1254  
28 U.S.C. § 2101(e)  
50 U.S.C. § 3162

S. Ct. R. 11  
S. Ct. R. 12.6  
S. Ct. R. 12.7  
S. Ct. R. 32.1  
Fed. R. App. P. 11

vi. INTRODUCTION

In an 'Arrest In Rem' action concerning the National Security of the United States and the government's recovery of more than \$1.9 Trillion of leaked tax information, bank accounts, social security numbers, and other sensitive and confidential records of millions of wealthy americans, including but not limited to former president Donald J. Trump, Michael Bloomberg, and also major financial institutions and central government agencies, including but not limited to (Petitioner) U.S. Department of the Treasury, U.S. Department of Defense, and U.S. Department of State, Attorney General Merrick Garland (Counsel) has neglected to secure the evidence of the leaked tax information, A.K.A. (Respondent) SEIZED FEDERAL SECURITIES, and prepare for the record in the lower court as provided by Fed.R.App.P. 10 and 11. (See Appendix A)

vii. STATEMENT OF CASE

Whereas, the lower court record on appeal consists of all the lower court documents and evidence and require that (Counsel) must timely prepare the record so that it can be transmitted to the Court.

Whereas, pursuant to Rule 12.7 of the Supreme Court, the lower court must then certify and transmit that record immediately upon the Court's request in a certiorari action.

Furthermore, pursuant to Rule 32.1 of the Supreme Court any "...material forming part of the evidence...shall be placed in the custody of the Clerk at least two weeks before the case is to be heard or submitted in certiorari."

Whereas, (Counsel) has failed to prepare the record, as required by Court rules and federal law, after repeated request. (See Appendix B)

Whereas, pursuant to 50 U.S.C. § 3162(a)(1) of the National Security Act, in an attempt to mitigate the leak to several media outlets(CNN, USA Today, New York Times, Wall St. Journal, and the Washington Post) the (Petitioner) utilized 'Warrants for Arrest In Rem' in order to prevent further threats to our nation's infrastructure (Foreign Russian hacks,international/domestic cyber threats, etc.)

Whereas, a secured portion of the (Respondent) is now in the custody of the U.S. Marshals Service in several federal districts across the country awaiting for (Counsel) to further prepare the record for transmittal to the Court. (See Appendix C)

"Since in statutory scheme, office of Marshal exists as arm of office of Attorney General, commitment to Marshal can only be construed as commitment to Attorney General." (See United States v. Howard,545 F.2d 1044,6th Cir. 1976)

For all these reasons under Article III of the Constitution, the (Petitioner) request that the Court grant certiorari ordering (Counsel) to comply with Court rules and federal law.

Dated: June 28, 2021

Respectfully submitted,  
(Petitioner)  
UNITED STATES DEPARTMENT OF THE TREASURY  
1500 Pennsylvania Ave., NW  
Washington, DC 20220  
(Counsel)  
UNITED STATES DEPARTMENT OF JUSTICE  
/s/Attorney General Merrick Garland  
28 U.S.C § 516-517  
Solicitor General Elizabeth Prelogar  
28 U.S.C. § 516-518  
950 Pennsylvania Ave NW  
Washington, DC 20530

ix. APPENDIX

- A. ORDER
- B. REQUEST TO FORWARD RECORD
- C. WARRANT FOR ARREST IN REM

USCA11 Case: 21-11738 Date Filed: 06/21/2021 Page: 1 of 1

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 21-11738-J

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U.S. DEPARTMENT OF THE TREASURY,

Plaintiff - Appellee,

versus

SEIZED FEDERAL SECURITIES,

Defendant,

DUANE L. BERRY,

Interested Party - Appellant.

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Appeal from the United States District Court  
for the Northern District of Georgia

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ORDER:

The Appellant's motion to stay pending appeal, construed from motion to stay all Orders, Judgments, Mandates, Proceedings or otherwise in this action is GRANTED to the extent that this appeal shall be stayed for a period of sixty (60) days. The Appellant may file a renewed motion for stay at the expiration of the sixty (60) day-time period if necessary.

The Appellant is directed to file a monthly status report on the 15<sup>th</sup> of every month until the stay has been lifted.

/s/ Robin S. Rosenbaum  
UNITED STATES CIRCUIT JUDGE

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

APR 16 2021

UNITED STATES DEPARTMENT OF THE TREASURY  
(Plaintiff/Appellant)

JAMES M. HATTEN, Clerk  
By:  Deputy Clerk

v.

SEIZED FEDERAL SECURITIES  
(Defendant/Appellee)

Case No. 1:21-cv-717

Doc. No. 21-10959

(FED.R.APP.P.(11)) REQUEST TO FORWARD THE RECORD

TO THE CLERK OF THE COURT:

Pursuant to Rule 11 of the Federal Rules of Appellate Procedure, the (Plaintiff/Appellant) UNITED STATES DEPARTMENT OF THE TREASURY request that you forward (Defendant/Appellee) SEIZED FEDERAL SECURITIES No. 9505 5102 5497 1092 378345, No. 9505 5102 5497 1092 378338, No. 9505 5102 5498 1091 325134, No. 9505 5102 5498 1091 325141, and No. 9505 5102 5498 1091 325158 held as evidence in the appeal action in this case by the Court's UNITED STATES MARSHAL SERVICE. (See Attached Warrant for Arrest In Rem and USM-285 as also filed on the docket for this district)

The (Plaintiff/Appellant) UNITED STATES DEPARTMENT OF THE TREASURY certifies that the (Defendant/Appellee) SEIZED FEDERAL SECURITIES, as mentioned above, are necessary portions of the record for the resolution of pending actions in the United States Court of Appeals.

Dated: April 9 2021

Respectfully submitted,

UNITED STATES DEPARTMENT OF THE TREASURY  
(Plaintiff/Appellant)  
1500 Pennsylvania Ave., N.W.  
Washington, DC 20220



01

Elizabeth Preloga-  
950 Pennsylvania Ave, NW  
Washington, DC 20530

APR - 5 2021

APR - 5 2000  
JAMES N. HATTEN, Clerk  
[Signature]

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

UNITED STATES DEPARTMENT OF  
THE TREASURY,

Plaintiff,

V.

SEIZED FEDERAL SECURITIES,

Defendant,

No. 1:21-cv-00717-CAP-CCB

WARRANT FOR ARREST IN REM

TO: THE UNITED STATES MARSHAL AND ANY AUTHORIZED PERSON

WHEREAS, in a matter concerning the National Security of the United States in the above captioned action, the undersigned FEDERAL TRUSTEE, on behalf of the United States Department of the Treasury, has issued a warrant for arrest in rem regarding the recovery and investigation of classified tax records, documents, and banking information pursuant to the National Security Act.

[See 50 U.S.C. § 3162(a)(1)]

WHEREAS, the undersigned FEDERAL TRUSTEE is authorized to issue this warrant and no further court action is required.  
[See 50 U.S.C. § 3162(a)(3)(A) and 26 U.S.C. § 6903]

Dated: March 11, 2021

~~DUANE L. BERRY~~  
~~FEDERAL TRUSTEE~~  
~~(26 USC § 6903)~~

UNITED STATES DEPARTMENT OF THE TREASURY  
1500 Pennsylvania Ave. NW  
Washington, DC 20220

REQUESTED PROPERTY

1. Federal Security # [REDACTED] 6098149 (apprx. 44.5 lbs.)

Custodian: CNN  
1 CNN Center  
Atlanta, GA 30303

2. Federal Security # [REDACTED] 6161270 (apprx. 44.6 lbs.)

Custodian: USA Today  
535 Madison Ave.  
54th Street  
New York, NY 10022

3. Federal Security # [REDACTED] 3375564 (apprx. 44.8 lbs.)

Custodian: Washington Post  
1150 15th Street NW  
Washington, DC 20071

4. Federal Security # [REDACTED] 3398922 (apprx. 44.8 lbs.)

Custodian: New York Times  
620 8th Ave.  
New York, NY 10018

5. Federal Security # [REDACTED] 3407541 (apprx. 44.8 lbs.)

Custodian: Wall Street Journal  
1211 6th Ave.  
New York, NY 10036

WHEREAS, pursuant to the NATIONAL SECURITY ACT, the Custodian served this warrant shall not disclose to any person that the property requested and seized have been obtained with the exception of "those persons to whom disclosure is necessary in order to comply with the request;" (See 18 USC § 3511)

\* THE NON-DISCLOSURE REQUIREMENT SHALL BE SUBJECT TO COURT REVIEW

FedEx Ground  
780238098149 44.6 lbs. (S) 44.34  
Declared Value 100  
Recipient Address:

CNN CENTER  
1 CNN Center  
ATLANTA, GA 30303  
4048272688

Scheduled Delivery Date is 2 business days

Pricing option:  
STANDARD RATE

Package Information:  
Your Packaging  
18 x 13 x 13

FedEx Ground  
780238181270 44.6 lbs. (S) 44.34  
Declared Value 100  
Recipient Address:

USA Today  
535 Madison Ave  
54th Street  
New York, NY 10022  
0000000000

Scheduled Delivery Date is 2 business days

Pricing option:  
STANDARD RATE

Package Information:  
Your Packaging  
18 x 13 x 13

Shipment subtotal: \$143.11

Total Due: \$143.11

(S) CreditCard: \$143.11  
\*\*\*\*\*7791

FedEx Ground  
776523375564 44.8 lbs. (S) 44.34  
Declared Value 100  
Recipient Address:

attn martin bargh  
washington post headquarters  
1150 15 st nw  
Washington, DC 20071  
4444444444

Scheduled Delivery Date is 2 business days

Pricing option:  
STANDARD RATE

Package Information:  
Your Packaging  
19 x 13 x 13

FedEx Ground  
776523398922 44.8 lbs. (S) 44.34  
Declared Value 100  
Recipient Address:

dean p baquet  
new york times headquarters  
620 8th ave  
New York, NY 10018  
4444444444

Scheduled Delivery Date is 2 business days

Pricing option:  
STANDARD RATE

Package Information:  
Your Packaging  
19 x 13 x 13

FedEx Ground  
776523407541 44.8 lbs. (S) 44.34  
Declared Value 100  
Recipient Address:

matt murray  
wall street journal  
1211 6th ave  
New York, NY 10036  
4444444444

PLAINTIFF	UNITED STATES DEPARTMENT OF THE TREASURY	COURT CASE NUMBER S. Ct. (Pending)
DEFENDANT	SEIZED FEDERAL SECURITIES	TYPE OF PROCESS Petition (Certiorari)

**SERVE AT** { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
U.S. Solicitor General Elizabeth Prelogar

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  
950 Pennsylvania Ave NW, Washington, DC 20530 (rm 5614)

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

United States Department of Treasury  
1500 Pennsylvania Ave NW  
Washington, DC 20220

Number of process to be served with this Form 285	1
Number of parties to be served in this case	1
Check for service on U.S.A.	X

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

SERVICE IS TO BE MADE PURSUANT TO UNITED STATES SUPREME COURT  
RULE 29.4

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF  
☐ DEFENDANT

TELEPHONE NUMBER

DATE  
6/26/21

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
		No. _____	No. _____		

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

Date \_\_\_\_\_ Time \_\_\_\_\_  
☐ am  
☐ pm

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
					\$0.00

REMARKS:

**PRINT 5 COPIES:**

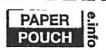
1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Form USM-285  
Rev. 12/15/80  
Automated 01/00

FIRMLY TO SEAL

7020 3160 0001 5162 0282



PF



1004



30303

CLINTON TOWNSHIP, MI  
48038  
JUL 28, 21  
AMOUNT  
**\$14.40**  
R2304W119904-11

**UNITED STATES  
POSTAL SERVICE®**

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FROM:

delivery date specified for domestic use.  
Domestic shipments include up to \$50 of insurance (restrictions apply).  
Tracking® included for domestic and many international destinations.  
International insurance.\*\*  
And internationally, a customs declaration form is required.  
Does not cover certain items. For details regarding claims exclusions see the  
Manual at <http://pe.usps.com>.  
International Mail Manual at <http://pe.usps.com> for availability and limitations of coverage.

UNITED STATES DEPT. OF TREASURY  
1500 PENNSYLVANIA AVE. NW  
WASHINGTON D.C. 20220

CLEARED  
AUG 02 2021  
TO:  
U.S. Marshals Service  
Atlanta, GA

V.S. District Court  
Northern District of Georgia  
Kevin P. Weimer, Clerk of Court  
75 Ted Turner Dr. SW  
Atlanta, Ga. 30303

**RATE ENVELOPE**

■ ANY WEIGHT

**PAID ■ INSURED**

To schedule free Package Pickup,  
scan the QR code.



USPS.COM/PICKUP



00001000014

EP14F May 2020  
OD: 12 1/2 x 9 1/2